

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

IN RE:

HUNG C. RODRIGUEZ
Respondent

Case No.: B-01-80091

ORDER CLOSING CASE

On January 15, 2002, the parties filed a copy of a settlement agreement intended to resolve all issues in this matter. Approving the settlement and dismissing this case would be a final disposition of this disciplinary matter. Because the delegation of hearing authority in this matter does not include “the power to render a final decision,” 17 DCMR 4114.2, I have no authority to approve the settlement and to dismiss the disciplinary proceedings. The Board of Massage Therapy, which retains the power to issue the final decision in this case, is the only body with authority to dismiss this case based upon the settlement. Although the settlement agreement filed by the parties contains a signature line for the presiding administrative judge to “recommend” that the Board approve the settlement, I will forward the agreement to the Board without any recommendation. This does not reflect any disapproval of the settlement; it only recognizes that, in the absence of an evidentiary hearing, an administrative law judge ordinarily has no factual or legal basis for making any recommendation. See 17 DCMR 4114.3. (ALJ must issue recommended decision “[a]fter hearing the evidence.”)

The parties’ settlement means that there is no further action required of an administrative law judge in this matter at this time, unless the Board rejects the settlement and orders the case to

proceed. Therefore, this case will be closed by the Office of Adjudication and Hearings and the parties' proposed settlement agreement will be forwarded to the Board, along with a copy of this Order.

Accordingly, it is, this _____ day of _____, 2002:

ORDERED, that this case shall be marked **CLOSED** by the Clerk; and it is further

ORDERED, that the Clerk shall forward a copy of this Order and a copy of the parties' proposed settlement agreement to the Board of Massage Therapy for its consideration.

/s/ **1/23/02**

John P. Dean
Administrative Judge